

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In re:	)	Chapter 11
	)	
FORESIGHT ENERGY LP, <i>et al.</i> ,	)	Case No. 20-41308-659
	)	
Debtors.	)	(Jointly Administered)
	)	
	)	Related Docket No.: 257

**STIPULATED ORDER FOR RELIEF FROM THE AUTOMATIC STAY**

This stipulated order (this “Stipulated Order”) providing for limited relief from the automatic stay is entered into by and between Williamson Energy, LLC (the “WE”) and the Subsidence Rights Claimants.<sup>1</sup>

**RECITALS**

A. On March 10, 2020 (the “Petition Date”), Foresight Energy LP and certain of its affiliates (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) thereby commencing voluntary chapter 11 cases (the “Chapter 11 Cases”) in the United States Bankruptcy Court for the Eastern District of Missouri.

B. On the Petition Date, pursuant to section 362 of the Bankruptcy Code, the automatic stay (the “Automatic Stay”) immediately came into full force and effect with respect to each of the Debtors, including WE.

C. On November 26, 2014, the Subsidence Rights Claimants filed a complaint seeking declaratory judgment, quiet title and damages for unjust enrichment in the Circuit Court of the

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<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meaning given to them in the *Motion for Relief from the Automatic Stay* (the “Motion”) [Doc. 257].

First Judicial Circuit, Williamson County, Illinois, in the action captioned *Mitchell Roberts Partnership v. Williamson, LLC*, et al., No. 14-MR-285 (the “State Court Case”).

D. On July 15, 2019, the State Court entered an order (the “Judgment”) (i) denying the Subsidence Rights Claimants’ motion for partial summary judgment, (ii) granting the defendants’ (including WE’s) motion for summary judgment, and (iii) entering judgment in favor of all of the defendants in the State Court Case.

E. The Subsidence Rights Claimants appealed the Judgment, which appeal is pending before the Appellate Court of Illinois, Fifth District, captioned *Mitchell/Roberts Partnership v. Williamson Energy, LLC*, et al., Case No. 5-19-0339 (the “Appeal”).

F. As a result of the commencement of the Chapter 11 Cases and the imposition of the Automatic Stay, the Appeal has been stayed. Accordingly, on April 7, 2020, the Subsidence Rights Claimants filed the Motion.<sup>2</sup>

G. In light of the foregoing and to permit the Appeal to proceed, the Parties have agreed, subject to approval of this Court, to the terms set forth below:

**NOW, THEREFORE, UPON THE FOREGOING RECITALS, WHICH ARE INCORPORATED AS THOUGH FULLY SET FORTH HEREIN, IT IS HEREBY STIPULATED AND AGREED, BY AND BETWEEN THE PARTIES, THROUGH THEIR UNDERSIGNED COUNSEL, AND, UPON COURT APPROVAL HEREOF, IT SHALL BE ORDERED THAT:**

1. This Stipulated Order shall have no force or effect unless and until approved by the Bankruptcy Court (the “Effective Date”).

2. On the Effective Date, the Automatic Stay shall be modified with respect to the Appeal, and the Parties shall be permitted to continue to prosecute the Appeal.

3. Except as provided in paragraph 2, the Automatic Stay, including, without

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meaning given them in the Motion.

limitation, those provisions prohibiting any act to collect, assess, or recover a claim that arose prior to the Commencement Date from WE's estate and/or assets or property of WE (as defined in section 541 of the Bankruptcy Code) shall remain in full force and effect.

4. Nothing in this Stipulated Order shall preclude or be deemed to preclude the Subsidence Rights Claimants, or any one or more of them, from seeking further or additional relief from or modification of the Automatic Stay, and nothing in this Stipulated Order shall preclude the Debtors or be deemed to preclude them from objecting to or otherwise opposing any such further or additional relief from or modification of the Automatic Stay.

5. This Stipulated Order may only be amended or otherwise modified by a signed writing executed by the Parties.

6. Each person who executes this Stipulated Order by or on behalf of a Party represents and warrants that he or she has been duly authorized and empowered to execute and deliver this Stipulated Order on behalf of such Party.

7. Each Party to this Stipulated Order represents that it fully understands the terms hereof. This Stipulated Order shall not be strictly construed against either Party on the ground that the rules for the construction of contracts require the resolution of any ambiguity against the Party that drafted the document.

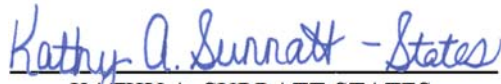
8. This Stipulated Order may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument, and it shall constitute sufficient proof of this Stipulated Order to present any copy, copies, electronic copies, or facsimiles signed by the Parties.

9. This Stipulated Order shall be effective immediately upon its entry and shall not be stayed pursuant to Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

10. No later than two (2) business days after the date of this order, the Debtors' Claims and Noticing Agent shall serve a copy of this order on the Subsidence Rights Claimants and the Notice Parties and shall file a certificate of service no later than twenty-four (24) hours after service.

11. The Bankruptcy Court shall retain jurisdiction to resolve any disputes or controversies arising from this Stipulated Order.

**IT IS SO ORDERED**

  
KATHY A. SURRATT-STATES  
Chief U.S. Bankruptcy Judge

DATED: April 16, 2020  
St. Louis, Missouri  
jjh

**Stipulated and agreed to on this 15th day of April, 2020.**

/s/ Steven M. Wallace

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